

Practitioner's Docket No. 101267.0044US

CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

10/526837	04 March 2005 (4.03.05)	09 September 2002 (9.09.02)
International Application No.	International Filing Date	Priority Date Claimed

Compositions and Methods For Treating NIDDM and Other Conditions and Disorders Associated
With AMPK Regulation

Title of Invention

MitoChroma Research, Inc.; Miljkovic, Dusan ; Pietrzkowski, Zbigniew
Applicant(s)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495
(FORM PCT/DO/EO/905).

A copy of FORM PCT/DO/EO/905 accompanies this response.

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

(Express Mail label number is *mandatory*.)
(Express Mail certification is *optional*)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date October 25, 2005 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV607356115US.

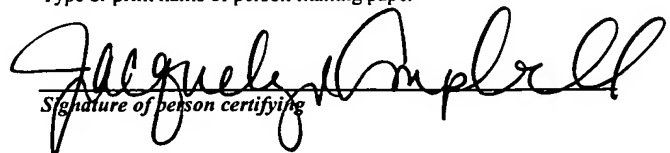
Jacquelyn Campbell

Type or print name of person mailing paper

Date:

10/25/05

Signature of person certifying



WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will *not* be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

DECLARATION OR OATH

- I. The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

FEEs

II.

1. Surcharge fees

Surcharge for filing the oath or declaration
later than thirty months from the priority
date pursuant to § 1.495(c):

\$65.00

Total Fees

\$65.00

SMALL ENTITY STATUS

- III. An assertion that this filing is by a small entity was made by paying the basic national fee as a small entity.

EXTENSION OF TIME

- IV. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

- V. The total fee due is:

Completion fee(s)

\$65.00

TOTAL FEE DUE \$65.00

PAYMENT OF FEES

VI.

Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 502191.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this request is attached.

11/02/2005 GFREY1 00000084 502191 10526837

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AUTHORIZATION TO CHARGE ADDITIONAL FEES

VII. Please charge, in the manner authorized above, the following additional fees that may be required by this paper and during the entire pendency of this application:

- * basic fee
- * presentation of extra claims
- * search fee
- * examination fee
- * 37 C.F.R. 1.16(s) (additional fee for specification and drawings filed in paper over 100 sheets).
- * 37 C.F.R. § 1.17 (application processing fees)
- * 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a))
- * 37 C.F.R. § 1.492(e) and/or (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date).

Date:

10/25/05



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Customer No. 34284



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,837	Dusan Miljkovic	101267.0044US

INTERNATIONAL APPLICATION NO.
PCT/US03/27012

I.A. FILING DATE	PRIORITY DATE
08/29/2003	09/09/2002

34284
 ROBERT D. FISH
 RUTAN & TUCKER LLP
 611 ANTON BLVD 14TH FLOOR
 COSTA MESA, CA 92626-1931

CONFIRMATION NO. 1088

371 FORMALITIES LETTER



OC000000017068855

Date Mailed: 09/22/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/04/2005
- Copy of the International Search Report filed on 03/04/2005
- Copy of IPE Report filed on 03/04/2005
- Information Disclosure Statements filed on 03/04/2005
- Oath or Declaration filed on 03/04/2005
- Request for Immediate Examination filed on 03/04/2005
- U.S. Basic National Fees filed on 03/04/2005
- Priority Documents filed on 03/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,837	PCT/US03/27012	101267.0044US

FORM PCT/DO/EO/905 (371 Formalities Notice)